



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No:10933-02  
14 October 2003



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 14 October 1981 at age 19. You served without disciplinary incident until 11 November 1982 when you received nonjudicial punishment (NJP) for disobedience and making a false official statement. The punishment imposed was restriction and extra duty for 30 days and a \$150 forfeiture of pay.

On 27 January 1983 you received NJP for a two day period of unauthorized absence (UA), failure to obey a lawful order, breaking restriction, two specifications of disobedience, missing the movement of your ship, and wrongful use of controlled substances. The punishment imposed was a reduction to paygrade E-1, restriction for 60 days, and a \$600 forfeiture of pay. On 30 March 1983 you received a third NJP for wrongful use of controlled substances and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 45 days and a \$550 forfeiture of pay.

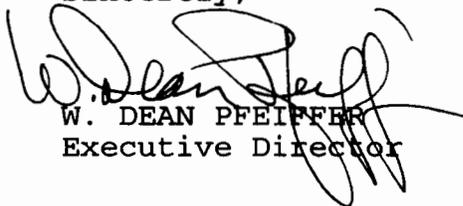
Subsequently, on 13 May 1983, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 17 May 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 23 May 1983 the discharge authority then directed an other than honorable discharge by reason of misconduct, and you were so discharged on 9 June 1983.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your assertion that you have undergone drug treatment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which included three specifications of wrongful use of controlled substances. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



W. DEAN PFEIFFER  
Executive Director